

From	To
David Albright/R9/USEPA/US	"Kustic, Tim@DOC" <Tim.Kustic@conservation.ca.gov> "Kustic, Tim@DOC" <Tim.Kustic@conservation.ca.gov>
CC	BCC
Subject	Date/Time
RE: Aquifer exemptions, etc.	06/07/2012 12:01 PM

Item Body

Thanks for the update, Tim. I'll pass along Jerry's preliminary comments to my staff to see if there is any more explanation we can provide. A meeting in late June /early July would work well. Glad to hear the good news on the UIC resource front. Not much good news elsewhere lately on resources.

I wanted to mention that I was contacted by Mario DeBernardo, staff for Assembly Natural Resources Committee. I spoke to him sometime last year also, but just wanted to give you a heads-up that I will be talking with him today or tomorrow, presumably about DOGGR's program, our review, and status of issues we identified.

Thanks,
David

David Albright
Manager, Ground Water Office

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"Kustic, Tim@DOC" ---06/07/2012 11:46:36 AM---David,

From: "Kustic, Tim@DOC" <Tim.Kustic@conservation.ca.gov>
To: David Albright/R9/USEPA/US@EPA
Cc: "Habel, Rob@DOC" <Rob.Habel@conservation.ca.gov>, "Salera, Jerry@DOC" <Jerry.Salera@conservation.ca.gov>
Date: 06/07/2012 11:46 AM
Subject: RE: Aquifer exemptions, etc.

David,

Jerry Salera is delving into the aquifer exemption (AE) issues and will be briefing me next week on our path forward and timeline. I anticipate meeting with you in SF late June to early July to discuss AE and audit topics.

Jerry has the following comments:

We are currently still reviewing and researching our Primacy Application documents in relation to your draft comments on the subject.

It is not clear why the 12 formations in "Category 2" you listed were not also included in the exempted list when they were declared by the Division in our application (Appendix B, Table 2) as hydrocarbon producing and merited exemption at that point in time.

When the MOA was signed, the addition of a Volume 3 was included in the references for exempted hydrocarbon producing zones. Volume 3 only covers fields north of the Monterey-San Benito-Merced-Mariposa-Mono counties (north of Township 12S, M.D. B.M.) and these are mostly non-associated gas fields. Table 2 in our Primacy Application listed 37 oil and gas fields discovered after 1973. Twenty-five (all gas fields) were later included in Volume 3. Of the 12 remaining, 10 fields should have been part of Volumes 1 and 2; however, these were not updated at the time of the MOA approval. The intent of including them for exemption, however, was clearly captured in Table 2 of the Primacy Application. It is not clear why the language of the MOA did not consider this. Would the EPA have any documents in file that can perhaps shed light on this?

We are also still reviewing and researching the "Category 3" (non-hydrocarbon producing formations) list.

As regards the Aquifer Exemptions page of our website, we will be improving this to properly explain the Aquifer Exempted lists and link this to our MOA.

We plan to complete a review of any additional aquifers for possible exemption within the next 3 months.

On the timing of our response to the program review, I regret the excessive delay. We are redrafting and earlier long-letter version to a short-letter and attached stand alone "plan". Based on the past I don't have great confidence in my "sense of timing" on this topic, but I hope within a month.

After we develop our plans, I will arrange a Division/DOC/EPA meeting.

Some good news on our UIC resources front:

□□□□□□□□□□ We were successful in asking the legislature to fund 18 additional positions, the bulk of which go towards UIC.

□□□□□□□□□□ Recent Engineering Geologist (a new classification for the Division) interviews discovered abundant well qualified candidates. We are quickly moving forward to fill technical positions with these candidates.

Although, hydraulic fracking stimulation is gathering much attention in the media, and we are addressing concerns on that topic, the bulk of our resources are going towards UIC program improvements.

Thanks,
Tim

From: David Albright [mailto:Albright.David@epamail.epa.gov]

Sent: Monday, June 04, 2012 12:06 PM

To: Kustic, Tim@DOC; Habel, Rob@DOC

Subject: Aquifer exemptions, etc.

Hi Tim and Rob,

Just wanted to check in with you two about the aquifer exemption findings I sent a few weeks back. Any questions about that or thoughts as to how you would like to proceed? We actually have a Class I permit renewal that is potentially impacted by this issue.

Also, I'm curious if you have a sense of timing for the response to our program review that we discussed in March. One of the Bakersfield reporters calls our office here periodically and asks whether EPA has received the state's response/plan for addressing the issues from our review. He called today.

Thanks,

David

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